

Amendment No. 1 to HB3024

McManus
Signature of Sponsor

AMEND Senate Bill No. 2718*

House Bill No. 3024

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-3-1101(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

() "Dealer" means an entity or person who:

(A) Is the operator of a retail station or other retail outlet and who delivers liquified gas into the fuel supply tanks of motor vehicles;

(B) Delivers liquified gas into a dispenser capable of fueling motor vehicles; or

(C) Dispenses compressed natural gas to the public.

SECTION 2. Tennessee Code Annotated, Title 67, Chapter 3, Part 11, is amended by adding the following as a new section:

67-3-1119.

(a) A dealer shall file an application with the commissioner for a compressed natural gas dealer permit, which is not assignable.

(b) An application for a permit shall be filed on a form provided by the commissioner.

(c) The permit shall be posted in a conspicuous place or kept available for inspection at the principal place of business of the permittee. A dealer permittee shall reproduce the permit and display it in a conspicuous place at each additional place of business from which natural gas is sold, delivered or used in motor vehicles.

(d) Application for a permit shall be accompanied by a bond, payable to this state, as provided in part 6 of this chapter.

(e) A permit is permanent and valid as long as the permittee furnishes timely reports and remits the taxes when due, or until surrendered by the holder or cancelled by the commissioner.

SECTION 3. Tennessee Code Annotated, Title 67, Chapter 3, Part 11, is further amended by adding the following as a new section:

67-3-1120.

(a) "Qualified natural gas dispenser" means a dispenser that measures the amount dispensed by means of a National Type Evaluation Program certified fuel meter.

(b) A natural gas dealer permit authorizes a dealer to collect and remit taxes on compressed natural gas delivered into the fuel supply tanks of motor vehicles by means of a qualified natural gas dispenser with meter capability. When compressed natural gas is delivered by a dealer to a customer's vehicle by means of a qualified natural gas dispenser, user permits under this part are not required.

(c) Dealers shall be legally responsible for collecting the tax imposed by § 67-3-1113 at the time of delivery to a vehicle.

(d) For the purpose of reporting the amount of tax imposed by § 67-3-1113 on metered compressed natural gas, each dealer shall file with the commissioner, on a form prescribed by the commissioner, a monthly report on or before the twenty-fifth day of the month following the month of activity, whether or not fuel is used or sold, and remit the tax due and collected. The report shall be executed under a declaration of penalty of perjury and shall state the total amount of compressed natural gas dispensed by the permittee within the state.

(e) A dealer shall keep for four (4) years, open to inspection at all times by the department and the attorney general and reporter, a complete record of all metered compressed natural gas received and used or sold.

(f) Meters and qualified natural gas dispensers are subject to inspection and verification by the department of agriculture's weights and measures in accordance with title 47, chapter 26, part 9 and such part's enforcement provisions.

SECTION 4. Tennessee Code Annotated, Section 67-3-1114(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) A user of compressed natural gas shall apply to and obtain from the commissioner a compressed natural gas user permit, unless the user purchases compressed natural gas from a dealer defined in § 67-3-1119.

SECTION 5. This act shall take effect July 1, 2012, the public welfare requiring it.